

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

June 7, 2004

**C046372 EL DORADO COUNTY v. DEPARTMENT OF TRANSPORTATION
DISTRICT 3 et al. and LAKES ENTERTAINMENT, INC., et al.**
**C046851 VOICES FOR RURAL LIVING et al. v. CALIFORNIA DEPARTMENT
OF TRANSPORTATION DISTRICT 3 et al. and SHINGLE SPRINGS BAND
OF MIWOK INDIANS, et al.**

BY THE COURT:

The motion of respondents and intervenors for consolidation of the above cases is granted. All further filings will bear the number C046372. The record previously filed on May 6, 2004, under case number C046372 is deemed the record on appeal.

The opening briefs of appellant El Dorado County and appellants Voices for Rural Living et al. are to be served and filed by July 7, 2004. All respondents' briefs are to be served and filed within 30 days of the filing of the last opening brief. All reply briefs are to be served and filed within 20 days of the filing of the last respondents's briefs.

SCOTLAND, P.J.

**C043154 In re B.T. et al.; SISKIYOU COUNTY DEPARTMENT OF HUMAN SERVICES
v. MARILYN T. (Not for Publication)**

THE COURT:

It is ordered that the opinion filed herein on May 6, 2004, be modified...

This modification does not change the judgment. The petition for rehearing is denied.

FOR THE COURT:

SCOTLAND, P.J.

SIMS, J.

DAVIS, J.

June 8, 2004

C041230 THE PEOPLE v. BOLTON (Not for Publication)

The judgment is affirmed.

Raye, J.

We concur: Scotland, P.J.

Nicholson, J.

C042119 THE PEOPLE v. CARRANZA (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Raye, J.

Butz, J.

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June 8, 2004, continued

- C042759 THE PEOPLE v. PESCADOR (Certified for Partial Publication)**
We remand for a correction of the abstract of judgment in accordance with this opinion. In all other respects, the judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
 Sims, J.
- C043594 THE PEOPLE v. COTTLE (Not for Publication)**
The judgment is reversed, and the matter is remanded for a new trial.
ROBIE, J.
We concur: Scotland, P.J.
 Hull, J.
- C043727 THE PEOPLE v. NEWBERRY (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
DAVIS, Acting P.J.
We concur: Hull, J.
 Butz, J.
- C043858 THE PEOPLE v. BOWMAN (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C044589 THE PEOPLE v. ELLIS (Not for Publication)**
The judgment is modified...
As modified, the judgment is affirmed. The trial court is ordered to prepare an amended abstract of judgment reflecting these modifications and to forward a certified copy to the Department of Corrections.
HULL, J.
We concur: Davis, Acting P.J.
 Butz, J.
- C044798 THE PEOPLE v. SANDERS (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
 Raye, J.

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The Minutes

June 8, 2004, continued

- C045154 THE PEOPLE v. THOMAS (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Raye, Acting P.J.
Robie, J.
- C045748 THE PEOPLE v. AKE (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Davis, Acting P.J.
Hull, J.
- C045993 THE PEOPLE v. ROSSEL (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Davis, Acting P.J.
Hull, J.
- C043643 WALBERG v. COUNTY OF BUTTE et al. (Not for Publication)**
The judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)
Raye, J.
We concur: Sims, Acting P.J.
Hull, J.
- C043681 TIPALDI v. CARPINI (Not for Publication)**
The judgment is (orders are) affirmed.
Blease, Acting P.J.
We concur: Raye, J.
Robie, J.
- C046033 In re AUTUMN G.; AMADOR COUNTY DEPARTMENT OF SOCIAL SERVICES
v. AMBER G. (Not for Publication)**
The order terminating parental rights is affirmed.
DAVIS, J.
We concur: Blease, Acting P.J.
Butz, J.

**COURT OF APPEAL
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The Minutes

June 8, 2004, continued

C046137 In re OLIVIA S.; YOLO COUNTY DEPARTMENT OF SOCIAL SERVICES v. EMILIO E. (Not for Publication)

The order terminating appellant's parental rights is affirmed.
Blease, Acting P.J.

We concur: Davis, J.
 Butz, J.

**C042862 In re J.P.; PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. L. P.
BY THE COURT:**

Appellant's petition for rehearing is granted. The decision filed on May 20, 2004, is vacated.

Good cause appearing, the above case is ordered on calendar for hearing on Tuesday, June 22, 2004, at 9:30 a.m. and all counsel are directed to appear.

Counsel's attention is directed to the attached memorandum which describes the calendar procedures of this court.

SCOTLAND, P.J.

**C045410 In re E.S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. M.S.
BY THE COURT:**

Appellant's petition for rehearing is denied.

RAYE, Acting P.J.

June 9, 2004

C041466 THE PEOPLE v. GORDON (Not for Publication)

The judgment is affirmed.
NICHOLSON, J.

We concur: Scotland, P.J.
 Sims, J.

C042629 THE PEOPLE v. POST (Not for Publication)

The judgment is affirmed.
MORRISON, J.

We concur: Sims, Acting P.J.
 Raye, J.

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June 9, 2004, continued

- C042517 TRACE v. TRU-LINE BUILDERS (Not for Publication)**
The judgment of the trial court is affirmed.
MORRISON, J.
I concur: Blease, Acting P.J.
I concur in the result:
Nicholson, J.
- C043306 SMITH v. GOVERNING BOARD OF THE ELK GROVE UNIFIED SCHOOL DISTRICT et al. (Not for Publication)**
The judgment is affirmed. Smith shall pay Elk Grove's costs of this appeal.
MORRISON, J.
We concur: Blease, Acting P.J.
Nicholson, J.
- C044435 In re BILLY G. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. GINA M. (Not for Publication)**
The orders are affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Sims, J.
- C044685 In re ANDREW G.; EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES v. LAURA M. (Not for Publication)**
The judgment (order of the juvenile court) is affirmed.
BLEASE, Acting P.J.
We concur: Davis, J.
Robie, J.
- C045533 In re MICHAEL P. et al.; PLACER COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. THERESA P. (Not for Publication)**
The orders of the juvenile court are affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
Hull, J.
- C043040 BARDIS et al. v. OATES et al.**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

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June 10, 2004

- C038245 THE PEOPLE v. WARNER (Certified for Publication)**
The finding that defendant is a habitual sexual offender under Penal Code section 667.71 is reversed. His convictions for three counts of Penal Code section 288, subdivision (a), and the finding that he has a prior serious felony are affirmed. The matter is remanded for resentencing.
MORRISON, J.
We concur: Blease Acting P.J.
 Davis, J.
- C044649 THE PEOPLE v. SMITH (Not for Publication)**
The judgment is affirmed.
RAYE, Acting P.J.
We concur: Hull, J.
 Robie, J.
- C045090 THE PEOPLE v. CHOATE (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Hull, J.
- C040977 THE PEOPLE v. VAUGHN (Not for Publication)**
THE COURT:
It is ordered that the opinion filed in this case on May 14, 2004, be modified...
This modification does not change the judgment.
The petition for rehearing by appellant is denied.
FOR THE COURT:
DAVIS, Acting P.J.
NICHOLSON, J.
HULL, J.

June 11, 2004

There were no minutes for this date.